

Appl. No. 09/751,862
Amendment Dated 10/7/2003
Reply to Office Action of 8/7/2003 (Paper No. 9)

REMARKS

Applicant respectfully requests consideration and entry of the above amendments and remarks even though presented after a final rejection. Applicant submits that the amendments represent patentable subject matter over the cited prior art, and do not raise new issues or require a new search. Further, consideration and entry of the amendments may place the claims in better condition for appeal, if necessary, by reducing the outstanding issues. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Claims 1-26 stand in this application. Independent claims 1, 6, 11, 13, 17, 19, 21 and 25 have been amended. Reconsideration and allowance of the standing claims are respectfully requested.

Claims 1-26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of United States Patent Number (USPN) 6,044,415 (Futral). Applicant respectfully traverses this rejection.

Applicant submits that claims 1-26 represent patentable subject matter over claims 1-16 of Futral. Claims 1-26 each contain the feature of associating an identifier with a file name at a client, and sending both to a server. As correctly noted in the Office Action, claims 1-16 of Futral do not recite any language relating to file names or identifiers. Office Action, Page 3. The Office Action continues that “[i]t is well known in the art, that the claimed file name and identifier will be mapped into unique numeric virtual address at Internet Protocol (IP) level of a standard network OSI model.” Id. Applicant respectfully disagrees on this point. In any event, claims 1-26 associate a file

Appl. No. 09/751,862
Amendment Dated 10/7/2003
Reply to Office Action of 8/7/2003 (Paper No. 9)

name with an identifier at the client. Consequently, the operations at the IP level would only be relevant once an identifier had been associated with a file name at the client, and then processed at the IP level. The cited prior art fails to disclose this association at the client, but rather focuses on the traditional technique of performing this association at the server. Accordingly, removal of this rejection is respectfully requested.

Claims 1-2, 4-5, 9, 11-14, 16-23 and 25-26 stand rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,442,548 (Balabine). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Balabine fails to disclose the feature of associating a file name and identifier at the client, as recited in claims 1-2, 4-5, 9, 11-14, 16-23 and 25-26. As stated in a previous paper, the IXFS system of Balabine maps all the elements of a database to a namespace identifier, such as drive letter (e.g., "x:"). The drive letter is then used to retrieve a database element stored on the identified drive. Applicant previously asserted that the namespace identifier was not an identifier for a file name as recited in claims 1-26. The Office Action responds that "the applicant fails to define the metes and bounds of the claimed subject matter 'identifier', so it is open for any reasonable interpretation." Office Action, Page 10. Independent claims 1, 9, 11, 17, 19 and 21 have been amended to clarify that the identifier represents the file name, and comprises a fewer number of bits than the file name. Applicant respectfully requests withdrawal of this rejection in view of this amendment.

Claims 3, 6-8, 10 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Balabine in view of USPN 5,619,690 (Matsumani). Further, claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Balabine in view of

Appl. No. 09/751,862
Amendment Dated 10/7/2003
Reply to Office Action of 8/7/2003 (Paper No. 9)

Matsumani and Applicant Admitted Prior Art (AAPA). Applicant respectfully requests reconsideration and withdrawal of these rejections.

Claims 3, 6-8, 10, 15 and 24 represent patentable subject matter over Balabine in view of Matsumani and AAPA. As discussed above, Balabine fails to disclose the feature of associating an identifier with a file name. Therefore, the combination of Balabine, Matsumani and AAPA still fails to disclose all the elements of claims 3, 6-8, 10, 15 and 24. Applicant respectfully requests withdrawal of these rejections.

For at least the above reasons, Applicant submits that claims 1-26 recite novel features not shown by the cited documents. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited documents. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited documents.

It is believed that claims 1-26 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

Appl. No. 09/751,862
Amendment Dated 10/7/2003
Reply to Office Action of 8/7/2003 (Paper No. 9)

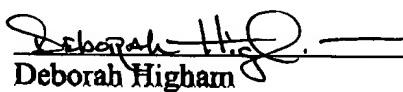
The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP


John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 10/07/03.


Deborah Higham

10/07/03
Date

Dated: 10/7/03

12400 Wilshire Blvd., 7th Floor
Los Angeles, California 90025